

that to apply that notion to reject claim 29 results from an improperly oversimplified interpretation of the claim limitations. If the Examiner's assumption were literally true, then no patent concerning masking and etching using a mask to form a container capacitor will ever issue to any assignee henceforth. Applicants assert that it is more reasonable to acknowledge that there can be applications of the known masking and etching processes, wherein those applications were or will be conceived of after Dennison and are or will be novel and non-obvious in light of the prior art.

Applicants contend that that the limitations qualifying claim 29's masking and etching acts meet that standard of patentability. Claim 29's masking act, for example, requires masking a first portion of the insulating layer. The etching act further requires etching a second portion of the insulating layer *from a part of the bottom electrode's exterior surface*. Given the teachings in the very reference cited by the Examiner, claim 29's acts, as limited, could not occur. The Examiner purported to analogize Dennison's storage poly 42 with claim 29's electrode. The Examiner further purported to analogize Dennison's oxide layer 58 to claim 29's insulating layer. However, Dennison also discloses that its oxide layer 58 is separated from storage poly 42 by a dielectric layer 50 and cell poly layer 52. Hence, etching oxide layer 58 *from* a part of the storage poly 42 cannot occur regardless of how the oxide layer 58 is masked, as would be necessary for the Examiner's analogy and inherency argument to hold.

The Examiner committed yet another oversimplification in attempting to reject the claim. Specifically, the Examiner stated that Dennison disclosed depositing a dielectric layer on part of the bottom electrode's exterior surface. While true, that does not address the relevant limitation in claim 29. Claim 29 is not so broad as to include within its scope depositing a dielectric layer on any part of the bottom electrode's exterior surface. Rather, claim 29 requires an act of depositing a dielectric layer on at least a particular part of the bottom electrode's exterior surface. Specifically, claim 29 requires an act of depositing a dielectric layer on the part from which the insulating layer had been etched. However, Dennison discloses no such part, either expressly or inherently, as discussed in the paragraph above. As a result, the Examiner is incorrect in stating that Dennison discloses Claim 29's act of depositing a dielectric layer.

Therefore, the Examiner's oversimplification of the claim limitations leads to a faulty analogy to Dennison, a misapplication of the notions of inherency, and a failure to appreciate and

apply the limitations as they actually appear in the claim. The result is a failure of the Examiner to meet the *prima facie* burden for rejecting claim 29.

CONCLUSION

In light of the above remarks, Applicants submit that claim 29 is allowable. Therefore, Applicants respectfully request reconsideration of the Examiner's rejection and further requests allowance of the pending claim. If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact Applicants' undersigned attorney at the number indicated.

Respectfully submitted,



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